

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**JULIE PLANK, as Trustee of the
Plank 2010 Family Trust,**

Case No. 22-cv-1581

Plaintiff,

-against-

**BETTER WAY PLUMBING & REPAIRS, INC.,
ANDRE WILLIAMS and PIERRE R. WILLIAMS,**

CONSENT JUDGMENT

Defendants.

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WHEREAS, Plaintiff, JULIE PLANK, as Trustee of the Plank 2010 Family Trust (“Plank” or “Plaintiff”), residing in Briarcliff Manor, New York; and Defendant, Better Way Plumbing & Repairs, Inc., having its principal place of business at 4050 West Boulevard, Suite A, Los Angeles, California 90008, Defendant, Andre Williams, residing at 4600 Don Lorenzo Drive, Unit #22, Los Angeles, California 90008, and Defendant, Pierre R. Williams, also residing at 4600 Don Lorenzo Drive, Unit #22, Los Angeles, California 90008 (collectively “Defendants”); all having the mutual desire to settle this action and avoid further litigation, including the costs and fees associated therewith, and having agreed to the entry of this Consent Judgment; and

WHEREAS, Plaintiff filed a Complaint in this action, on February 25, 2022, against Defendants for damages in the sum of \$80,868.86, plus interest, costs and attorneys’ fees, based on Defendants’ failure to pay monies due and owing to Plaintiff pursuant to (a) a Loan Agreement between the Plank 2010 Family Trust and Better Way Plumbing & Repairs, Inc.; (b) the Personal Guaranty of Andre Williams, and (c) the Personal Guaranty of Pierre R. Williams; and

WHEREAS, Defendants filed their Answer on April 27, 2022 denying liability.

NOW, THEREFORE, **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned parties, and **ORDERED AND ADJUDGED**, and made effective as of this 25th day of July, 2022 as follows:

1. The Court has personal jurisdiction over each of the parties to this action, and has jurisdiction of this action pursuant to 28 U.S.C. Section 1332(a)(1) because the amount in controversy exceeds \$75,000.00 exclusive of interest and costs, and is between citizens of different States.

2. Defendants consent to the jurisdiction of this Court, and Plaintiff and Defendants hereby consent to the entry of this Consent Judgment.

3. The Court hereby directs final Judgment in favor of Plaintiff, and against Defendants, jointly and severally, in the total sum of \$80,869.00 (Eighty Thousand, Eight Hundred and Sixty-Nine U.S. Dollars).

4. So long as Defendants make the following payments in a timely fashion, to be received by the dates set forth below, Plaintiff shall not commence any action or proceeding to enforce this Consent Judgment:

\$ 5,869.00	by July 29, 2022
\$ 5,000.00	by August 30, 2022
\$ 5,000.00	by September 30, 2022
\$15,000.00	by October 31, 2022
\$20,000.00	by November 30, 2022
\$20,000.00	by December 30, 2022
<u>\$10,000.00</u>	by January 30, 2023
\$80,869.00	

Each and every payment set forth above shall be made by wire transfer using all of the same information and account numbers that Defendants used to make prior loan payments to the Plank 2010 Family Trust (upon execution of this Consent Judgment, said information and account numbers will be provided to Defendants' counsel in a confidential fashion under separate cover).

5. In the event that Defendants fail to make any of the payments set forth in paragraph 4 by wire transfer by the respective due date set forth therein, Defendants consent and agree that (a) Plaintiff, and/or Plaintiff's counsel, may commence any and all enforcement proceedings, to the fullest extent of the law, to enforce and/or collect on this Consent Judgment, for the full amount of the Judgment (\$80,869.00) less all payments made by Defendants pursuant to this Consent Judgment, plus all attorneys' fees and related costs incurred by Plaintiff in relation to such enforcement and/or collection; and (b) Plaintiff may enter this Consent Judgment in any state and/or federal court in the State of California, as well as any such other courts as Plaintiff deems necessary to aid in the enforcement and/or collection of this Judgment. Defendants shall be notified of any payment not received in writing, by email sent to ATTORNEYSPIGNER@AMERILAWYER.COM, and shall be permitted to make any missed payment, by wire transfer as set forth in paragraph 4, within seven (7) days of the notice. Plaintiff and/or Plaintiff's counsel shall not commence any enforcement proceedings to enforce and/or collect on this Consent Judgment until the expiration of the seven (7) day notice period.

6. Plaintiff and Defendants hereby acknowledge that they have consulted independent legal counsel in connection with this action and this Consent Judgment.

7. Except as set forth in paragraph 5, the parties shall bear their own costs and fees.

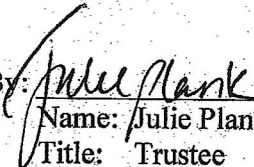
8. This Court shall retain jurisdiction of this matter for the purpose of enforcing the terms and provisions of this Consent Judgment.


9. The parties' signatures on this Consent Judgment may be delivered and filed in portable document format (.pdf) and, as such, shall be deemed original signatures, and the parties agree that a .pdf copy of this Consent Judgment shall have the same effect as an original.

10. This Consent Judgment is approved as to form and substance, and the entry thereof without further notice is hereby consented to, and the respective parties have agreed to waive, and do hereby waive, all rights of appeal which they, or any of them, may have from said Consent Judgment.

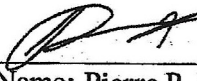
IN WITNESS WHEREOF, the parties to this action, and their respective counsel, have duly executed this Consent Judgment as of the date first above written.


PLANK 2010 FAMILY TRUST

By: 
Name: Julie Plank
Title: Trustee

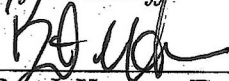

ANDRE WILLIAMS

BETTER WAY PLUMBING & REPAIRS, INC.

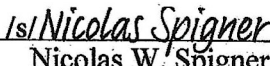
By: 
Name: Pierre R. Williams
Title: Manager


PIERRE R. WILLIAMS

SCHLACTER & ASSOCIATES
Attorneys for Plaintiff


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SO ORDERED AND ADJUDGED.

Dated: July 27, 2022


HON. VINCENT L. BRICCETTI
United States District Court Judge